

REMARKS

Art rejections

The art rejections are respectfully traversed.

Since the references are plural and complex, Applicants will confine their remarks to those portions of the reference cited by the Examiner, except as otherwise indicated. Applicants make no representation as to the contents of other portions of the references.

Any of the Examiner's rejections and/or points of argument that are not addressed below would appear to be moot in view of the following. Nevertheless, Applicants reserve the right to respond to those rejections and arguments and to advance additional arguments at a later date. No arguments are waived and none of the Examiner's statements are conceded.

General comments with respect to Bornhorst

The Examiner groups the embodiments of figures 8-12 of Bornhorst together, without apparently recognizing that these are distinct and incompatible embodiments. Applicants accordingly respectfully submit that the rejections are indefinite and confusing and fail to satisfy 37 CFR 1.104.

Claims 1 & 14

Claims 1 and 14 recite a first rotation member rotatable about a foot.

The Examiner characterizes element 82 as a rotation member.

Applicants respectfully disagree. Looking at Fig. 8, referenced by the Examiner, Applicants do not believe that this is a rotation member at all. Applicants understand it to be a stationary member. Pan and tilt assemblies 130 and 142 move the mirror 16, per col. 8, lines 16

REMARKS

et seq. In the embodiment of Fig. 8, Applicants understand element 84 to be a rotation member. Applicants understand the same to be true of embodiments 9-11.

With respect to the embodiment of Fig. 12, Applicants understand elements 86 and 84 to be rotation members. Applicants understand element 82 just to be carried by the rotation members.

The Examiner further characterizes the space between the arms of element 84 as an aperture. Applicants respectfully disagree. Applicants respectfully submit that the term “aperture,” in the field of optics, cannot be fairly interpreted to mean any open space through which light may travel. An aperture is an opening in something. There has to be some closed space that has an opening in it. Applicants respectfully submit that one of ordinary skill in this art would not characterize the two arms of Bornhorst’s yoke as forming an aperture.

Applicants therefore respectfully submit that, in rejecting the independent claims over Bornhorst, the Examiner interprets the language of the claims contrary the ordinary meaning of the words and contrary to the way they are used and defined in the specification.

Applicants accordingly respectfully submit that the Examiner has not made a *prima facie* case against the reference.

The dependent claims recite additional patentable distinctions over the reference, for instance as indicated in the arguments for selected claims below.

Claim 5

Claim 5 recites that the first rotation member has an internal light outlet and that the second rotation member has a light inlet facing the internal light outlet. The Examiner purports

REMARKS

to find this in Bornhorst. Applicants respectfully submit that the Examiner mischaracterizes the reference.

First the Examiner characterizes the alleged aperture between the arms as both an external light outlet in rejecting claim 1 and an internal light outlet in claim 1 and an internal light outlet in rejecting claim 5. Applicants respectfully submit that this is a contradictory interpretation and therefore improper.

Second, Applicants respectfully submit that the Examiner makes a further contradiction by apparently treating member 84 as the second rotating member in rejecting claim 1, while apparently calling the mirror the second rotating member to which light is admitted in rejecting claim 5. Applicants respectfully submit that this contradictory interpretation is improper.

Third, Applicants respectfully submit that the yoke/mirror assembly in the reference cannot be fairly stated to comprise a light inlet. An inlet implies that there is an interior into which light can be admitted, while the yoke/mirror assembly of Bornhorst defines no interior and no inlet.

Applicants accordingly respectfully submit that the Examiner has not made a *prima facie* case against claim 5.

Claim 6

In rejecting this claim, the Examiner characterizes Bornhorst's element 40 as a "disk." Applicants see at p. 4, line 63; col. 8, ll. 31-38; and col. 9, line 47; that element 40 is characterized as a "pan tube." Applicants accordingly respectfully submit that the Examiner mischaracterizes the reference.

REMARKS

Claim 9, 20

In rejecting this claim, the Examiner characterizes lamp 61 of the reference as high power. Applicants, looking through the spec, see lamp 61 of Bornhorst characterized only as “lamp.” Applicants are not finding “high power.” Clarification is respectfully requested.

Bornhorst/Headrick combination

Applicants respectfully submit that the combination of these two references is not possible. They are two completely different apparatuses with totally different and incompatible structures. There could be no motivation to combine them by one of ordinary skill in the art, because it would not be clear what to combine or how to put that combination together. Any hypothetical combination would be a knee bone connected to shoulder bone type dysfunction. Applicants accordingly respectfully submit that any hypothetical working combination of the two references that might have any resemblance to the claimed invention could only be arrived at through impermissible hindsight in view of Applicants claims and specification.

Claim 8

The Examiner states that figures 3-5 of Headrick show the reflector having an inlet for admitting cooling air. Applicants do not understand the reference this way. They see the inlet 86 not being at the reflector but rather in the base of the lamp. Applicants accordingly respectfully submit that the Examiner mischaracterizes the reference.

REMARKS

New claims

The new claims recite additional patentable distinctions over the reference. These new distinctions include the following.

New independent claim 21 recites housings for the first and second rotation members to make clear that the open structure of the yoke/mirror combination in Bornhorst is not apt.

New claims 22-24 recite concavities in the housings and how the housings move with respect to those concavities that are not taught or suggested by the references.

New claim 27 recites details of the orientation of the various elements that make cooling more efficient, particularly the first rotation axis being vertical and the lamp reflector defining a horizontal axis so that the cooling means can always cool the upper part of the reflector.

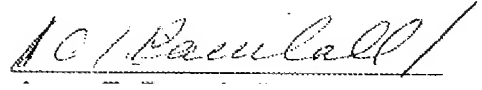
Please charge any fees other than the issue fee to deposit account 14-1270. Please credit any overpayments to the same account.

REMARKS

Applicants respectfully submit that they have addressed each issue raised by the Examiner — except for any that were skipped as moot — and that the application is accordingly in condition for allowance. Allowance is therefore respectfully requested.

Respectfully submitted,

By



Anne E. Barschall, Reg. No. 31,089

Tel. no. 914-332-1019

Fax no. 914-332-7719

Date of printing: May 31, 2007

In house contact at assignee:

Frank Keegan

Reg. No. 50,145

Tel. # 914-333-9669